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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,304	11/19/2003	Pascal Banry	03-43	6474

7590 07/25/2005

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EXAMINER
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COLETTA, LORI L

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/717,304

Applicant(s)

BANRY ET AL.

Examiner

Lori L. Coletta

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-27 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-27 is/are allowed.
- 6) ☒ Claim(s) 29-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 and 09 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Sato et al. 6,428,065 in view of Salloum et al. 3,933,387.

Regarding claim 29, Sato et al. '065 discloses a motor vehicle bumper comprising a shield (13) having a first impact zone (10) located substantially at a first height corresponding to a knee (H) of an adult pedestrian and, immediately below the first impact zone, a second impact zone (20) located substantially at a second height corresponding to a tibia of the adult pedestrian; a beam (11 and 21) behind the shield (13) substantially at the first height, in register with and at a certain distance from the shield; and at least one block (12 and 22) comprising a compressible material between the beam and the shield, the block (22) having a front end in register with the second impact zone of the shield; a rear end of the block with the beam (21) in Figure 2.

However, Sato et al. '065 does not show a cross-section that more than doubles from the front end of the block to the rear end of the block.

Salloum et al. '387 teach a cross-section that more than doubles from the front end of the block to the rear end of the block.

Regarding claim 29, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the block of the bumper of Sato et al. '065 with a cross-section that more than doubles from the front end of the block to the rear of the block, as taught by Salloum et al. '387, in order to absorb impact energy with high efficiency.

Regarding claim 30, Sato et al. '065, as modified, discloses a motor vehicle bumper, wherein the compressible material comprises foam (column 3, lines 15-19).

Regarding claim 31, Sato et al. '065, as modified, discloses a motor vehicle bumper, wherein the foam material comprises expanded polypropylene (column 3, lines 15-19).

*Allowable Subject Matter*

3. Claims 16-27 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter:

The recitations of the specific features of the motor vehicle bumper in claim 16 including especially the construction of the shield comprising a top portion and a bottom portion set back from the top portion is not taught nor is fairly suggested by the prior art of record.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

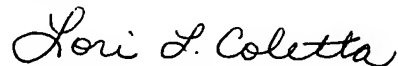
The cited references show several other motor vehicle bumpers similar to that of the current invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is 571-272-6658.

The examiner can normally be reached on Monday-Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lori L. Coletta  
Primary Examiner  
Art Unit 3612

llc  
July 1, 2005